

CHAPTER NO. 683

SENATE BILL NO. 286

INTRODUCED BY S. BROWN, TURNAGE

IN THE SENATE

January 29, 1979	Introduced and referred to Committee on State Administration.
January 30, 1979	Fiscal note requested.
January 31, 1979	Fiscal note returned.
February 9, 1979	Rereferred to Committee on Judiciary.
February 17, 1979	Committee recommend bill do pass. Report adopted.
February 19, 1979	Printed and placed on members' desks.
February 20, 1979	Second reading, do pass as amended.
February 21, 1979	Correctly engrossed.
February 22, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 23, 1979	Introduced and referred to Committee on State Administration.
March 2, 1979	Rereferred to Committee on Judiciary.
March 15, 1979	Committee recommend bill be concurred in. Report adopted.
March 16, 1979	Second reading, concurred in. On motion bill referred to Committee on Appropriations.
April 7, 1979	Committee recommend bill be not concurred in.

April 7, 1979

Objection raised to adverse
Committee report. Bill placed
on second reading.

April 9, 1979

Second reading, concurred in.

April 12, 1979

On motion taken from third reading
and referred to second reading.

April 13, 1979

Motion pass consideration.

April 16, 1979

Second reading, concurred in
as amended.

Third reading, concurred in
as amended.

IN THE SENATE

April 17, 1979

Returned from second house.
Concurred in as amended.

Rules temporarily suspended to
allow House amendments to be
considered by the Senate.

April 18, 1979

Second reading, amendments adopted.

On motion rules suspended. Bill
placed on calendar for third
reading this day.

Third reading, amendments adopted.
Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *286*
2 INTRODUCED BY *S. Brown Turner*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE NUMBER
5 OF ASSOCIATE JUSTICES ON THE SUPREME COURT; AMENDING
6 SECTIONS 3-2-101 AND 13-14-101, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 3-2-101, MCA, is amended to read:

10 "3-2-101. Number, election, and term of office. The
11 supreme court consists of a chief justice and four ~~six~~
12 associate justices who are elected by the qualified electors
13 of the state at large at the general state elections next
14 preceding the expiration of the terms of office of their
15 predecessors, respectively, and hold their offices for the
16 term of 8 years from and after the first Monday of January
17 next succeeding their election."

18 Section 2. Section 13-14-101, MCA, is amended to read:

19 "13-14-101. Judicial offices as separate and
20 independent offices for election purposes. (1) Each vacancy
21 for associate justice of the supreme court is a separate and
22 independent office for election purposes. The chief justice
23 of the supreme court shall assign an individual number to
24 the ~~four~~ ~~six~~ associate justices and certify these numbers to
25 the office of the secretary of state not less than 180 days

1 before a primary nominating election.

2 (2) Each judicial office in a district which has more
3 than one district judge is a separate and independent office
4 for election purposes.

5 (3) Different terms of office for the same position
6 shall be considered separate offices."

-End-

STATE OF MONTANA

REQUEST NO. 181-79

FISCAL NOTE

Form BD-15

In compliance with a written request received January 30, 19 79, there is hereby submitted a Fiscal Note for Senate Bill 286 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation:

Senate Bill 286 would create two additional Justices for the Montana Supreme Court.

Assumption:

- 1) New Justices will take office and support personnel will begin work on July 1, 1979.
- 2) Support personnel for the two Justices will include three legal secretaries and four law clerks.

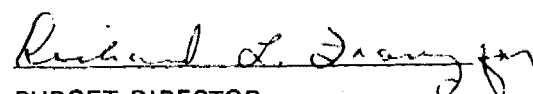
Fiscal Impact:

	<u>FY 79-80</u>	<u>FY 80-81</u>
Proposed Law		
Personal Services	\$177,280	\$177,280
Operating Expenses	15,200	10,270
Capital Outlay	<u>36,900</u>	<u>19,500</u>
Total expenditures under proposed law	\$229,380	\$207,050
Expenditures under current law	- 0 -	- 0 -
Increased expenditures under proposed law	<u>\$229,380</u>	<u>\$207,050</u>

The increased cost must be funded from the State General Fund.

Technical Notes:

Senate Bill 286 does not state when the new Justices will take office.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1/30/79

STATE OF MONTANA

REQUEST NO. 182-79

FISCAL NOTE

Form BD-15

In compliance with a written request received January 31, 19 79, there is hereby submitted a Fiscal Note for Senate Bill 285 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION

This proposed bill ends the special property tax classification and tax rate given to new property tax classification and tax rate given to new industrial property; provides an effective and applicability date.

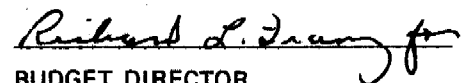
The values for new industrial property fluctuates markedly from year to year because of the number of new applicants and the value of each company's property for tax purposes. This makes forecasting very difficult. Consequently, the last three years data are used to give a general idea of the impact of this proposal. This proposal repeals the new industrial classification so the impact if it had been in effect in the last three years would be an increase in revenues.

	Taxable Value of New Industrial Property Current Law	Effect If Proposal Had Been In Effect			
		Taxable Value of New Industrial Property	Increase in Taxable Value	Increase to Local Govt's @ 200 mills	Increase to State at 6 Mills
1976	\$2,305,414	\$9,880,344	\$7,574,930	\$1,514,986	\$45,450
1977	1,846,274	7,908,304	6,062,030	1,212,406	36,372
1978	351,262	1,072,730	721,468	144,294	4,329

EFFECT ON LOCAL GOVERNMENTS

Local governments would receive the full value of new industrial property for the first three years rather than a reduced value. This should increase revenues to local governments.

PREPARED BY DEPARTMENT OF REVENUE



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1/2/79

1 *Senate* BILL NO. *286*
2 INTRODUCED BY *S. Brown Turner*
3

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5 OF ASSOCIATE JUSTICES ON THE SUPREME COURT; AMENDING
6 SECTIONS 3-2-101 AND 13-14-101, MCA."
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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 3-2-101, MCA, is amended to read:
10 "3-2-101. Number, election, and term of office. The
11 supreme court consists of a chief justice and four ~~six~~
12 associate justices who are elected by the qualified electors
13 of the state at large at the general state elections next
14 preceding the expiration of the terms of office of their
15 predecessors, respectively, and hold their offices for the
16 term of 8 years from and after the first Monday of January
17 next succeeding their election."

18 Section 2. Section 13-14-101, MCA, is amended to read:
19 "13-14-101. Judicial offices as separate and
20 independent offices for election purposes. (1) Each vacancy
21 for associate justice of the supreme court is a separate and
22 independent office for election purposes. The chief justice
23 of the supreme court shall assign an individual number to
24 the four ~~six~~ associate justices and certify these numbers to
25 the office of the secretary of state not less than 180 days

1 before a primary nominating election.

2 (2) Each judicial office in a district which has more
3 than one district judge is a separate and independent office
4 for election purposes.

5 (3) Different terms of office for the same position
6 shall be considered separate offices."

-End-

1 SENATE BILL NO. 286

2 INTRODUCED BY S. BROWN, TURNAGE

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE NUMBER
5 OF ASSOCIATE JUSTICES ON THE SUPREME COURT BY ELECTION;
6 AMENDING SECTIONS 3-2-101 AND 13-14-101, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 3-2-101, MCA, is amended to read:

10 "3-2-101. Number, election, and term of office. The
11 supreme court consists of a chief justice and four ~~five~~
12 associate justices who are elected by the qualified electors
13 of the state at large at the general state elections next
14 preceding the expiration of the terms of office of their
15 predecessors, respectively, and hold their offices for the
16 term of 8 years from and after the first Monday of January
17 next succeeding their election."

18 SECTION 2. THERE IS A NEW MCA SECTION THAT READS:

19 New justices -- how selected. The associate justices
20 created by [this act] shall be filled initially at the 1980
21 general election, and the individuals elected shall take
22 office on the first Monday of January, 1981.

23 Section 3. Section 13-14-101, MCA, is amended to read:

24 "13-14-101. Judicial offices as separate and
25 independent offices for election purposes. (1) Each vacancy

1 for associate justice of the supreme court is a separate and
2 independent office for election purposes. The chief justice
3 of the supreme court shall assign an individual number to
4 the four ~~five~~ associate justices and certify these numbers to
5 the office of the secretary of state not less than 180 days
6 before a primary nominating election.

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8 than one district judge is a separate and independent office
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SENATE BILL NO. 286

INTRODUCED BY S. BROWN, TURNAGE

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE NUMBER OF ASSOCIATE JUSTICES ON THE SUPREME COURT BY ELECTION; AMENDING SECTIONS 3-2-101 AND 13-14-101, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 3-2-101, MCA, is amended to read:

"3-2-101. Number, election, and term of office. The supreme court consists of a chief justice and four six associate justices who are elected by the qualified electors of the state at large at the general state elections next preceding the expiration of the terms of office of their predecessors, respectively, and hold their offices for the term of 8 years from and after the first Monday of January next succeeding their election."

SECTION 2. THERE IS A NEW MCA SECTION THAT READS:

New justices -- how selected. The associate justices created by [this act] shall be filled initially at the 1980 general election, and the individuals elected shall take office on the first Monday of January, 1981.

Section 3. Section 13-14-101, MCA, is amended to read:

"13-14-101. Judicial offices as separate and independent offices for election purposes. (1) Each vacancy

for associate justice of the supreme court is a separate and independent office for election purposes. The chief justice of the supreme court shall assign an individual number to the four six associate justices and certify these numbers to the office of the secretary of state not less than 180 days before a primary nominating election.

(2) Each judicial office in a district which has more than one district judge is a separate and independent office for election purposes.

(3) Different terms of office for the same position shall be considered separate offices."

-End-

SENATE BILL NO. 286

INTRODUCED BY S. BROWN, TURNAGE

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE, FOR AN 8-YEAR TERM, THE NUMBER OF ASSOCIATE JUSTICES ON THE SUPREME COURT BY ELECTION; TO CLARIFY THAT A MAJORITY OF ALL THE JUSTICES MUST CONCUR IN ANY DECISION OF THE COURT; AMENDING SECTIONS 3-2-101, 3-2-302, AND 13-14-101, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 3-2-101, MCA, is amended to read:

"3-2-101. Number, election, and term of office. The supreme court consists of a chief justice and four six associate justices who are elected by the qualified electors of the state at large at the general state elections next preceding the expiration of the terms of office of their predecessors, respectively, and hold their offices for the term of 8 years from and after the first Monday of January next succeeding their election."

SECTION 2. THERE IS A NEW MCA SECTION THAT READS:

New justices -- how selected. The associate justices created by [this act] shall be filled initially at the 1980 general election, and the individuals elected shall take office on the first Monday of January, 1981.

Section 3. Section 13-14-101, MCA, is amended to read:

"13-14-101. Judicial offices as separate and independent offices for election purposes. (1) Each vacancy for associate justice of the supreme court is a separate and independent office for election purposes. The chief justice of the supreme court shall assign an individual number to the four six associate justices and certify these numbers to the office of the secretary of state not less than 180 days before a primary nominating election.

(2) Each judicial office in a district which has more than one district judge is a separate and independent office for election purposes.

(3) Different terms of office for the same position shall be considered separate offices."

SECTION 4. SECTION 3-2-302, MCA, IS AMENDED TO READ:

"3-2-302. Quorum. A majority of the justices is necessary to form a quorum or pronounce of the court. Any decision must be concurred in by a majority of the justices of the court, but one or more of the justices may adjourn the court from day to day or to a day certain."

SECTION 5. EFFECTIVE PERIOD. THIS ACT IS EFFECTIVE UNTIL THE FIRST MONDAY OF JANUARY, 1989, AT WHICH TIME THE NUMBER OF ASSOCIATE JUSTICES AUTHORIZED BY THIS ACT SHALL REVERT TO FOUR. THE CODE COMMISSIONER IS DIRECTED TO MAKE APPROPRIATE CHANGES IN THE MONTANA CODE ANNOTATED TO REFLECT THE INTENT OF THIS SECTION.

SB 0286/04

1 SECTION 4. SEVERABILITY. IF A PART OF THIS ACT IS
2 INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID
3 PART REMAIN IN EFFECT. IF A PART OF THIS ACT IS INVALID IN
4 ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT
5 IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE
6 INVALID APPLICATIONS.

-End-

HOUSE OF REPRESENTATIVES

April 16, 1979

Committee of the Whole amendments to SENATE BILL NO. 286, reference printing.

1. Title, line 4.

Following: "INCREASE"

Insert: ", FOR AN 8-YEAR TERM,"

2. Title.

Following: line 5

Insert: "TO CLARIFY THAT A MAJORITY OF ALL THE JUSTICES MUST CONCUR
IN ANY DECISION OF THE COURT;"

3. Title, line 6.

Following: "3-2-101"

Insert: ", 3-2-302,"

4. Page 2.

Following: line 11

Insert: "SECTION 4. SECTION 3-2-302, MCA, IS AMENDED TO READ:

"3-2-302. Quorum. A majority of the justices is necessary to
form a quorum of the court. ~~or-pronounce~~ Any decision must be
concurrred in by a majority of the justices of the court, but one
or more of the justices may adjourn the court from day to day or
to a day certain."

Section 5. Effective period. This act is effective until
the first Monday of January, 1989, at which time the number of
associate justices authorized by this act shall revert to four.
The code commissioner is directed to make appropriate changes in
the Montana Code Annotated to reflect the intent of this section.

Section 6. Severability. If a part of this act is invalid, all
valid parts that are severable from the invalid part remain in
effect. If a part of this act is invalid in one or more of its
applications, the part remains in effect in all valid applications
that are severable from the invalid applications."

And as amended
be concurred in.

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
February 17, 1979

The forty-first meeting of the Senate Judiciary Committee was called to order by Senator Everett R. Lensink in Room 331 of the Capitol building on the above date at 9:32 a.m.

ROLL CALL:

All members were present.

CONSIDERATION OF SENATE BILL 286:

Senator Brown stated that he believes that this is the most important bill of the session. This bill is an act to increase the number of associate justices on the supreme court. He said that the court has had an almost 100 percent increase in the number of cases they try and the opportunity to go to seven justices will ease the work load and will give the court some flexibility.

Chief Justice Frank Haswell passed out some information for the committee and stated that the supreme court has looked over the various alternatives available to handle their increased caseload and found this to be the most feasible method and the least costwise. He said that they would contemplate using the additional justices as sort of spare and that the court would still sit on a five-judge panel, and they would set up procedures for a full seven-man court to sit in cases involving more important views.

J. C. Weingartner, representing the Montana Bar Association, gave a statement in support of this bill. There were no further proponents and no opponents.

Senator Brown stated that he could not overemphasize what the judge says about the expenses as the other three alternatives were much more expensive.

Senator Healy asked if these judges would be appointed by the governor, and Senator Brown answered, yes, from a list of three to five people and he would select from that list.

Senator Turnage moved that the bill do pass.

Senator Towe asked how they envision the work; and on the cases where they used a seven-member panel, who would formulate the rules.

Judge Haswell stated that these rules would be subject to legislative review. It was asked how would you select panel members and Senator Towe stated that it may be random and in San Francisco, they have a rotation basis.

There were no further questions and comments and the vote on the motion to do pass carried unanimously.

CONSIDERATION OF SENATE BILL 431:

Senator Hafferman from Lincoln County gave an explanation of this bill. He introduced Ed Carney, director of the Professional and Occupational Licensing Department.

Mr. Carney gave a statement in support of this bill and he stated that this particular problem gave them problems last summer.

There were no further proponents and no opponents.

Senator Towe asked what kind of licensing were they talking about and Mr. Carney stated that it means all licensing - all that come into our department and all other departments and he stated that we will know if you really want us to take that step.

Senator Brown stated that the point to emphasize is that this does not do away with the notice of a hearing. He said first you get a notice that you are thinking about revoking a license; and then you get a second notice that means now you have an opportunity for a hearing, he gets an opportunity to appear and he can show his compliance with the rules. He stated that we are talking about doing away with an extra notice and it can be taken care of without a hearing.

Senator Turnage asked if he can be put out of business, pending that hearing and Senator Brown said no, he is not - - that it is not effective until a final administrative opinion.

Senator Turnage stated that he wants to help the program but he really doesn't want to put a guy out of business. Senator Towe asked what is the process if this bill passes. Mr. Carney said that you don't get involved without a complaint, both parties are talked to, this report is filed back with the board and the board makes a decision based on the report. If a revocation of a license may be contemplated, a notice of a hearing for revocation of license is issued, we interpret this now to mean you must write to this fellow. He is allowed a hearing in any situation and can continue in business until the hearing.

Date Feb 12

ROLL CALL

JUDICIARY

COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Lensink, Everett R., Chr. (R)	✓		
Olson, S. A., V. Chr. (R)	✓		
Turnage, Jean A. (R)	✓		
O'Hara, Jesse A. (R)	✓		
Anderson, Mike (R)	✓		
Galt, Jack E. (R)	✓		
Towe, Thomas E. (D)	✓		
Brown, Steve (D)	✓		
Van Valkenburg, Fred (D)	✓		
Healy, John E. (Jack) (D)	✓		

Each Day Attach to Minutes.

(1141)

DATE 2/12/64

Please note bill no.

(check one)
SUPPORT | OPT

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

833 2 5

MEMORANDUM

TO: State Senate
FROM: Montana Supreme Court
DATE: January 22, 1979
RE: Two Additional Justices

We wish to stress two important factors regarding this important legislation:

1. There is an immediate and compelling need.
2. How a seven-justice court would operate.

1. THERE IS AN IMMEDIATE AND COMPELLING NEED:

(a) In calendar 1978, 517 cases were filed. The Court disposed of 475. On January 3, 1979, there were 364 active cases pending in the court.

(b) Case filings are continuing unabated. In the first fifteen working days of January 1979 (to January 22), 32 cases have been filed.

(c) The five man Court is now working at full capacity. We prepared and issued 269 full opinions in 1978, in addition to dissents, memorandum opinions, orders and dismissals to dispose of 475 cases.

(d) Hearing oral arguments by five justices takes up opinion-writing time, yet oral arguments are essential. Examples:

Between November 14 and November 28, 1978,

we heard oral arguments in 28 cases

Between December 11 and December 21, 1978,

we heard oral arguments in 26 cases

Between January 26 and February 14, 1979,

we will hear oral arguments in 41 cases. During the days we are hearing oral arguments, there is little time to do anything else. We hear four cases per day, except Wednesdays, when our weekly court conference occupies the morning and we hear two cases in the afternoon. Each day after the cases are heard, we discuss each and arrive at tentative conclusions. We then must prepare for the cases on the following day.

(e) We cannot reduce the number of cases for oral argument. We now eliminate oral argument in cases which do not present novel questions or which can be decided simply on the briefs.

(f) Unless we obtain help, it now appears inevitable that an unmanageable backlog will result by the time the next session of the Legislature meets.

(g) We have been unable to promptly and efficiently exercise supervisory and administrative duties for lack of time and personnel. Examples: Modernization, updating and upgrading Supreme Court Rules; procedural and substantive rules of the Board of Bar Examiners; procedural rules of the Commission on Practice; the Judicial Standards Commission and the Sentence Review Division; revision of the Code of Professional Responsibility

for lawyers and the Code of Judicial Ethics for judges; various supervisory of functions over the District Courts and magistrate courts; the five Court Planning Committees; continuing legal education standards for judges; continuing judicial education standards for judges.

2. HOW A SEVEN-JUSTICE COURT WOULD OPERATE:

(a) The 1972 Montana Constitution now provides for the enlargement of the Supreme Court by the Legislature to a seven justice Court, including the Chief Justice. (Article VII, Section 3(1).)

(b) The same constitutional section provides that a majority of the Court must join in written decisions.

(c) The Court plan is to utilize five justice panels for all cases, with four justices necessary to a decision. In constitutional or other far-reaching cases, we would utilize the full seven man Court.

(d) Panels would be selected for each case on a random basis. There are 21 possible combinations of five in a seven justice Court.

3. ADVANTAGES:

(a) Forty percent more judicial capacity on a straight-line basis.

(b) Two justices freed in each case for other opinion writing, routine administrative and other work of the Court.

- (c) Speedier decisions in civil and criminal cases.
- (d) Avoids a stereotyped Court or the impression of the same.
- (e) Greater assurance of high quality legal work.

Frank I. Haswell

Chief Justice Frank I. Haswell
for the Court

HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
Executive session
and Regular meeting combined.
March 14, 1979

The regular meeting of the House Judiciary Committee was called to order at 8:00 a.m. by Chairman Scully in room 436 of the Capititol Building. Bills scheduled were SB 112, 132, 395, 481 and HJR 55. Representatives Uhde and Conroy were excused.

Because Senate Bills 112. 132 and 395 had been heard already in other House Committees they were merely reviewed by the Judiciary Committee.

While the committee waited for Senator Reagan as sponsor of the Bill No. 481 Representative Scully suggested that some action be taken on bills still in committee.

SENATE BILL NO. 511; Representative Iverson moved "be concurred in". The motion carried with the vote unanimous. Representative Keedy will carry on the floor.

SENATE BILL NO. 409: Representative Keedy moved to amend by reinserting the original language, on lines 17 and 18, page 3. The motion carried with the vote unanimous. Representative Holmes moved "be concurred in as amended". The motion carried with the vote unanimous. Representative Holmes will carry if Representative Dussault does not, since she is one of the sponsors.

HOUSE JOINT RESOLUTION 55: Representative Ramirez, as chief sponsor of the bill, went through it and explained it. He suggested that there should be a study committee.

MIKE ABLEY: Supreme Court. This bill is requesting assignment of an interim committee to evaluate Montana's Judicial district boundaries, number of judges and court support services. There is quite a disparity in travel expenses. We would like to take an in-depth look at this. He went on to explain a little further as to efficiency and manpower requirements.

MARGARET DAVIS: League of Women Voters. The League is in support of HJR 55 and endorse it totally. She gave the committee a copy of written testimony. (copy attached) We can not afford to authorize more judges. By undertaking a study we feel the legislature will be very much more capable of action on this. They will be more able to deal with it.

REPRESENTATIVE KEMMIS: Will this go to the next legislature.

REPRESENTATIVE RAMIREZ: Just the planning committee for the interim committee would set up a district court planning committee. The interim committee would not have any function other than the planning committee.

SENATE BILL NO. 476: Representative Keyser moved "not concurred in". The motion carried with Representatives voting "no" as follows, Day, Anderson and Holmes.

SENATE BILL NO. 286: Representative Seifert moved "be concurred in". Representative Anderson asked and discussion followed about why this would not need to be a constitutional amendment. Representative Keedy said that is because the constitution gives the legislature the right to make that decision. He went on to explain how opinions are arrived at. The motion to concur carried with Representatives Anderson and Seifert voting "no".

SENATE BILL NO. 386: Representative Holmes moved "not concurred in". Larry Weinberg, the staff attorney, explained the amendments and talked about the effect. They are only housekeeping rather than substantive.

Representative Seifert moved "do pass for the amendments." There followed discussion about sections being repealed. The motion to amend carried. The motion "not concurred in as amended" carried with Representatives Lory, Iverson, Daily and Teague voting "no".

HOUSE JOINT RESOLUTION 55: Representative Eudaily moved "do pass". Then followed discussion about the persons appointed to the planning committee and how to clarify the language.

Representative Holmes moved to amend line 8, page 2 and insert "expanded". Also on line 13 to insert "legislative". After much discussion she withdrew the motion.

Representative Eudaily moved to strike "planning" and insert "interim" on line 16. The motion carried with the vote unanimous.

Representative Holmes moved to amend line 15, to add language following assignment. The motion failed with one aye vote. Then followed discussion about the precedent, line 13, page 2.

Representative Keedy moved to amend by inserting "non-voting". The motion failed with 9 no votes, 5 yes votes, and 5 absent.

Representative Scully came back. He moved a substitute motion "do not pass as amended". The motion failed, 8 yes, 8 no and 3 absent.